

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>CARPENTER TECHNOLOGY CORP.,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>NO. 08-2907</b>
	:	
<b>ALLEGHENY TECHNOLOGIES, INC.,</b>	:	
<b>and ATI PROPERTIES, INC.,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

**AND NOW**, this 13th day of November 2012, upon consideration of Defendants' Motion *In Limine* to Exclude Evidence Pertaining to the Parties' Pre-Suit License/Settlement Negotiations (Doc. No. 120), Defendants' Memorandum in Support thereof (Doc. No. 117), and Plaintiff's Response (Doc. No. 140), **IT IS HEREBY ORDERED** that the Motion is **GRANTED** in part and **DENIED** in part as follows:

1. Carpenter is precluded at trial from offering any evidence of pre-suit settlement/license communications, negotiations, and draft settlement/license agreements between it and ATI for the purpose of measuring ATI's damages;
2. Carpenter may, however, introduce such evidence for the limited purpose of defending against ATI's claim of willful infringement;
3. The Court will provide appropriate instruction where necessary at trial.

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.